



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 27, 2011

The Honorable Kurt Zellers
Speaker of the House
463 State Office Building
St. Paul, Minnesota 55155

Dear Mr. Speaker:

With this letter, I am vetoing and returning Chapter 101, House File 264, a bill prohibiting civil actions against certain persons for weight gain as a result of consuming certain foods.

As I informed the House author, I support the bill's expressed intent to hold individuals responsible for their own dietary choices. I could support legislation limited to that intention.

Unfortunately, this bill provides to companies that manufacture, distribute, or sell food and nonalcoholic beverages civil immunity, except for: "any other material violation of federal or state law applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the violation is knowing and willful..." That requirement of being "knowing and willful" creates too broad an exemption from liability, according to legal experts with whom I consulted.

I am told that the Senate Committee on Judiciary and Public Safety removed this provision in its passage of the bill, however, the full Senate reinstated the original House language. That is unfortunate, as it reportedly precluded bipartisan support for the bill.

Given these concerns, I cannot support this legislation in this form.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton
Governor

cc: Senator Michelle L. Fischbach, President of the Senate
Senator Amy T. Koch, Majority Leader
Senator Thomas M. Bakk, Minority Leader
Senator David Hann
Representative Paul Thissen, Minority Leader
Representative Dean Urdahl
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives